

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MAKESI SADENAI LOPEZ,

Plaintiff,

-against-

ORDER
18-CV-5038 (JMA)(AKT)

NASSAU COUNTY CORRECTIONAL
FACILITY, *et al.*

Defendants.

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AZRACK, District Judge:

On September 4, 2018, incarcerated *pro se* plaintiff Makesi Sadenai Lopez (“plaintiff”) filed a complaint in this Court but did not remit the filing fee or file an application to proceed *in forma pauperis*. Accordingly, by Notice of Deficiency dated September 5, 2018 (“Notice”), plaintiff was instructed to either remit the filing fee or complete and return the enclosed application to proceed *in forma pauperis* and Prisoner Litigation Authorization form (“PLRA”) within fourteen (14) days from the date of the Notice. The Notice warned plaintiff that his failure to timely comply may be dismissed for failure to prosecute. (*See* Notice, Docket Entry No. 2.) The Order was mailed to plaintiff at his address of record, but was returned to the Court on September 17, 2018 with a notation to “return to sender, not deliverable as addressed, transferred to another facility.” (*See* Docket Entry No. 7.) On September 19, 2018, plaintiff filed a Notice of Change of Address and the Notice was re-mailed to plaintiff at his new address also on September 19, 2018. (*See* Docket Entry No. 6.) To date, plaintiff has not responded to the Notice nor has he otherwise communicated with the Court. Accordingly, the complaint is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that *in forma pauperis* status for

the purpose of an appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of the Court is directed to mail a copy of this order to the plaintiff at his last known address and to mark this case closed.

SO ORDERED.

Dated: October 11, 2018
Central Islip, New York

_____/s/ (JMA)
Joan M. Azrack
United States District Judge